

As a result of the Court's ruling, there remained pending causes of action against both the Board

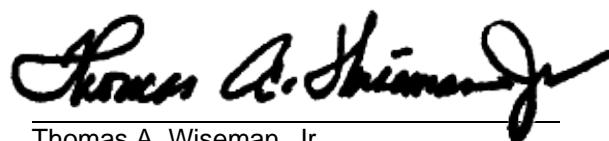
and Weidenbenner under 42 U.S.C. § 1983. The claim against Weidenbenner, Count I, is premised upon allegations that Weidenbenner violated § 1983 by depriving John Doe, under color of law, of rights secured by the First and Fourteenth Amendments to the United States Constitution, “includ[ing], but . . . not limited to” freedom from the use of excessive force, the deprivation of liberty and property without due process of law, freedom from summary punishment, and freedom from the use of arbitrary government action which “shocks the conscience of a civilized society.” (Compl. ¶ 18.)

The § 1983 claim asserted against the Board in Count II of the Complaint is based upon an alleged deliberate indifference on the part of the School Board manifested by failure to train or discipline teachers in the detection and prevention of abuse against students by teachers, or to investigate properly reports of abuse by teachers, all of which resulted in the alleged deprivation of John Doe’s rights to “be free from unreasonable seizures, use of force and arbitrary governmental activity which shocks the conscience in violation of the rights secured to him by the Fourth and Fourteenth Amendment[s].” (Compl. ¶ 22.) Plaintiffs also seek to hold the Board liable under 42 U.S.C. § 1983 for Weidenbenner’s actions “under the doctrines of agency, vicarious liability, employer-employee relations, master-servant, respondeat superior, joint venture, contract and as a result of their [sic] non-delegable duty to provide educational services to disabled persons in compliance with the constitution and laws of the United States and the State of Tennessee.” (Compl. ¶ 26.)

In other words, all of Plaintiffs’ claims are contingent upon a threshold finding that Weidenbenner actually violated John Doe’s constitutional rights. As set forth in the accompanying Memorandum Opinion, the Court finds that there is no plausible evidence in the record to suggest that Weidenbenner abused John Doe in such a manner as to cause injury of constitutional dimension, whether physical or psychological. For that reason alone, Defendants are entitled to summary judgment in their favor and dismissal of all claims asserted against them in this action.

Defendants’ motions for summary judgment (Doc. Nos. 52 & 56) are therefore **GRANTED** and this matter is **DISMISSED** in its entirety.

It is so **ORDERED**.



Thomas A. Wiseman, Jr.
Senior U.S. District Judge